

United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 12-1100

September Term 2011

EPA-77FR9304

Filed On: August 24, 2012

White Stallion Energy Center, LLC,

Petitioner

v.

Environmental Protection Agency,

Respondent

American Academy of Pediatrics, et al.,
Intervenors

Consolidated with 12-1101, 12-1102,
12-1147, 12-1166, 12-1170, 12-1172,
12-1173, 12-1174, 12-1175, 12-1176,
12-1177, 12-1178, 12-1180, 12-1181,
12-1182, 12-1183, 12-1184, 12-1185,
12-1186, 12-1187, 12-1188, 12-1189,
12-1190, 12-1191, 12-1192, 12-1193,
12-1194, 12-1195, 12-1196

BEFORE: Henderson and Griffith, Circuit Judges

ORDER

Upon consideration of the proposed briefing formats and schedules, the responses thereto, and the reply; UARG's and the Environmental Petitioners' motions to sever and hold in abeyance certain issues, the responses thereto, and the replies; the motion to deconsolidate and hold in abeyance No. 12-1166, the responses thereto, the reply, and the cross-motion to deconsolidate all NSPS issues; and UARG/Oak Grove's motion to intervene, the opposition thereto, and the reply, it is

ORDERED that No. 12-1166, UARG v. EPA, be deconsolidated from No. 12-1100, et al.; and that the NSPS issues in Nos. 12-1170, Eco Power Solutions (USA) Co. v. EPA, and 12-1185, State of Texas v. EPA, be severed and assigned to a new docket, No. 12-1366, Eco Power Solutions (USA) Co. v. EPA, and consolidated with

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No. 12-1166. Any petitioners or intervenors in Nos. 12-1100, et al., who wish to intervene in No. 12-1166, et al., are directed to file in No. 12-1166, et al., a motion to intervene within seven days of the date of this order and to indicate which party the intervenor supports. It is

FURTHER ORDERED that the motions to sever and hold in abeyance certain issues be otherwise denied. It is

FURTHER ORDERED that the motion to intervene in Nos. 12-1170, 12-1174, and 12-1194 be referred to the merits panel to which No. 12-1100, et al., are assigned. The parties are directed to address in their briefs the issues presented in the motion to intervene rather than incorporate those arguments by reference. UARG and Oak Grove may participate as movant-intervenors in the appropriate respondent-intervenor briefs. It is

FURTHER ORDERED that the following briefing format and schedule apply in No. 12-1100, et al.:

Opening Brief(s) of State/Industry Petitioners October 23, 2012
(up to 2 briefs, not to exceed a total
of 15,000 words)

Supplemental Brief for Industry Petitioner-
Specific Issues October 23, 2012
(not to exceed 4,000 words)

Opening Brief of Environmental Petitioners October 23, 2012
(not to exceed 6,000 words)

Opening Brief of Eco Power October 23, 2012
(not to exceed 1,500 words)

Opening Brief of Julander Energy October 23, 2012
(not to exceed 1,500 words)

Brief of Amici in support of Petitioners October 30, 2012
(not to exceed 7,000 words)

Respondent EPA's Brief January 22, 2013
(not to exceed 28,000 words)

Brief of Amici in Support of Respondent January 29, 2013
(not to exceed 7,000 words)

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Brief of Intervenors in Response to
Environmental Petitioners February 21, 2013
(not to exceed 3,750 words)

Brief(s) of Intervenors in Response to
State/Industry Petitioners February 21, 2013
(up to 3 briefs for Environmental, State,
and Industry Respondent-Intervenors,
not to exceed a total of 9,375 words)

Brief of Intervenors in Response to
Julander Energy February 21, 2013
(not to exceed 938 words)

Brief of Intervenors
in Response to Eco Power Solutions. February 21, 2013
(not to exceed 938 words)

Reply Briefs. March 25, 2013
(6 briefs, each not to exceed
one-half the allotment for corresponding
opening brief)

Deferred Appendix April 1, 2013

Final Briefs April 8, 2013

The Clerk is directed to calendar this case for argument on the same day and before the same panel as No. 12-1166, et al. The parties will be notified by separate order of the oral argument date and the composition of the merits panel.

The court reminds the parties that

In cases involving direct review in this court of administrative actions, the brief of the appellant or petitioner must set forth the basis for the claim of standing. . . . When the appellant's or petitioner's standing is not apparent from the administrative record, the brief must include arguments and evidence establishing the claim of standing.

See D.C. Cir. Rule 28(a)(7).

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Parties are strongly encouraged to hand deliver the paper copies of their briefs to the Clerk's office on the date due. Filing by mail may delay the processing of the brief. Additionally, counsel are reminded that if filing by mail, they must use a class of mail that is at least as expeditious as first-class mail. See Fed. R. App. P. 25(a). All briefs and appendices must contain the date that the case is scheduled for oral argument at the top of the cover. See D.C. Cir. Rule 28(a)(8).

Per Curiam

FOR THE COURT:

Mark J. Langer, Clerk

BY: /s/

Scott H. Atchue

Deputy Clerk